

REMARKS

Pending claims

Claims 1, 2, 5, 9, 12-13, 24, and 29-30 have been amended to more clearly point out and distinctly claim the invention. These amendments do not contain new matter and are fully supported by the specification. For example, support for the phrase "a prepolymerization mixture having about 60 to 85 weight percent of oxyperm polymerizable material and about 15 to 40 weight percent of ionoperm polymerizable material" can be found on page 10, the second paragraph. After these amendments are entered, thirty (30) Claims (claims 1-30) are pending.

Claim Objections

The present application and copending Application No. 10/153,040 were, at the time the invention of the present application was made, owned by Novartis AG.

Double Patenting

Applicants respectfully submit that the provisional obviousness-type double patenting rejection over a commonly assigned copending application No. 10/153,040 was improper, because the commonly assigned copending application No. 10/153,040 has an effective filing date of November 8, 2001, later than the effective filing date (JANUARY 5, 2001) of the present application. Applicants respectfully request withdrawal of the provisional obviousness-type double patenting rejection.

Claim rejections under 35 USC 112

The 35 USC 112, second paragraph rejections of claims 1-30 have been overcome through this Amendment.

Claims Rejections under 35 U.S.C §102

Claims 1-6, 24-26, and 29-30 were rejected under 35 U.S.C. §102(b) as anticipated by Covington (US 4,423,195). For the following reasons, the Examiner's rejection is respectfully traversed.

Covington discloses a flexible silicone contact lens comprising copolymers and terpolymers of a polysiloxane and esters of acrylic and methacrylic acids. However, Covington does not disclose nor suggest anything about a contact lens comprising copolymers of a prepolymerization mixture having about 60 to 85 weight percent of oxyperm polymerizable material and about 15 to 40 weight percent of ionoperm polymerizable material. Applicants respectfully submit that the

present invention as currently claimed are not anticipated or rendered obvious by Covington, since the cited reference does not contain all of the elements of the claimed invention. Applicants respectfully request withdrawal of the 35 U.S.C. §102(b) rejection.

Claims 1-17, 21-26, 27-28 and 29-30 were rejected under 35 U.S.C. §102(b) as anticipated by Lally (US 6,149,842). For the following reasons, the Examiner's rejection is respectfully traversed.

First, Applicants respectfully submit that this 35 USC 102(b) rejection is an error, since the cited reference (US 6,149,842) was not patented one year prior the effective filing date of the present invention. Lally's patent (US 6,149,842) was issued on November 21, 2000, whereas the present invention has an effective filing date of January 5, 2001 since the present invention claims benefit of US provisional application No. 60/259,957 filed on January 5, 2001. Applicants respectfully request withdrawal of the 35 U.S.C. §102(b) rejection.

Second, even if this rejection of the present invention is made under 35 USC 102(e) based on Lally, the present invention as currently claimed is not anticipated or rendered obvious by Lally. Lally does not contain all of the elements of the claimed invention, since Lally does not disclose nor suggest anything about an ophthalmic moulding (e.g. a contact lens) comprising a polymer matrix which is a polymerization product of a prepolymerization mixture having about 60 to 85 weight percent of oxyperm polymerizable material and about 15 to 40 weight percent of ionoperm polymerizable material. Applicants respectfully submit that the present invention as currently claimed are not anticipated or rendered obvious by Lally.

Claims Rejections under 35 U.S.C §103

Claims 7-16 and 20-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Covington in view of Hendrickson (US 5,106,533). For the following reasons, the Examiner's rejection is respectfully traversed.

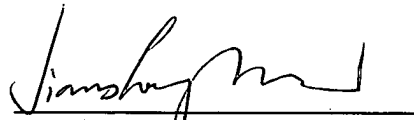
As discussed above, the primary reference (Covington) does not anticipate the present invention or render the present invention obvious, since the primary reference does not disclose nor suggest anything about an ophthalmic moulding (e.g. a contact lens) comprising a polymer matrix which is a polymerization product of a prepolymerization mixture having about 60 to 85 weight percent of oxyperm polymerizable material and about 15 to 40 weight percent of ionoperm polymerizable material. The secondary reference (Hendrickson) can not fill the gap left by the

primary reference. Therefore, Applicants respectfully submit that, a *prima facie* case of obviousness can not be established and request withdrawal of the 35 U.S.C. §103(a) rejection.

In view of the foregoing and in conclusion, Applicants submit that the 35 U.S.C. §102 and §103 rejections set-forth in the Office Action have been overcome, and that the pending claims are not anticipated or obvious over the cited art, either individually or in combination. Applicants request reconsideration and withdrawal of the rejections set-forth in the Office Action.

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. Please address all correspondence to Thomas Hoxie, Novartis Corporation, Corporate Intellectual Property, One Health Plaza, Bldg. 430, East Hanover, NJ 07936-1080. The Commissioner is hereby authorized to charge any other fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to Deposit Account No. 19-0134.

Respectfully submitted,


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